

Applicant Review Panel

Texas Open Meetings Act Public information Act City Charter

Legal Considerations

March 8, 2013



What is the Texas Open Meetings Act?

The Open Meetings Act is a Texas statute that provides for public access to meetings of governmental bodies.

Chapter 551 Texas Government Code.



What does TOMA Compliance Require?

Meeting notice (agenda) be posted and...

- 72 hour notice
- Must include what will be discussed
- Citizen communication cannot be discussed

Discussions of official business by a quorum or more occur in public

- Exchanges by email and social media can constitute an inappropriate discussion of official business
- Official business does not include ceremonies/social events
- Working groups must be made up of less than a quorum of the body
- Staff may “push” information to officials
- Do not “reply all” to emails sent to entire panel



What Is The Public Information Act?

The Public Information Act is a Texas statute that gives the public the right to ask for government information

Chapter 552 Texas Government Code.



What does Public Information Act Compliance Require?

The Public Information Act requires that the city and its officials provide certain documents regarding city business upon written request.

Documents may be paper or electronic format. Any email – including city business on your personal email account -- or social media communication regarding city business is subject to the Public Information Act.

Records retention guidelines let us know when it is ok to dispose of a document; please allow city staff to determine whether you may dispose of a document.



What Are City Charter Guidelines on ARP Activities?

Charter: “The members of the Applicant Review Panel shall not communicate directly or indirectly with any elected member of the City Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the City Council.” Art. 2 Sec. 3(l)(6)



What does Charter Compliance Require?

Councilmembers may not communicate directly or indirectly with you

Council staff may not communicate directly or indirectly with you

This no-contact period is in effect from the day you are sworn in to the day the Applicant Review Panel submits 60 final ICRC applications to counsel



Questions?

Thank you very much for your service!

